

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

MOTHER DOE and FATHER DOE)	
on behalf of JOHN DOE, their minor child)	Case No. 3:23-cv-00498
)	Chief Judge Campbell
v.)	Magistrate Judge Holmes
)	
SUMNER COUNTY BOARD OF)	
EDUCATION)	

ORDER


Pending before the Court is Defendant’s motion to compel third-party Tonia Hardyway to produce documents in response to a subpoena (Docket No. 69), to which Plaintiffs responded in opposition on behalf of Ms. Hardyway (Docket No. 72). For the reasons set forth below, Defendant’s motion (Docket No. 69) is **DENIED WITHOUT PREJUDICE**.

Defendant served Ms. Hardyway with a subpoena to produce documents on March 29, 2024. (Docket No. 69-4.) Defendant asserts that Mr. Hardyway did not object to any of the requests in the subpoena, but produced only one single-page document. (Docket No. 70 at 3.) Defendant states that Ms. Hardyway admitted during a deposition that other responsive documents exist. (*Id.*) However, according to Defendant, Ms. Hardyway did not produce any other responsive documents despite Defendant’s efforts. (*Id.*)

Plaintiffs responded to the motion on behalf of Ms. Hardyway to state that she had previously produced responsive documents to one of Plaintiffs’ counsel, Hayley Baker, but those documents had not been provided to Defendant’s counsel because Ms. Baker had gone on maternity leave. (Docket No. 72 at 1.) Plaintiffs stated that Ms. Hardyway sent the responsive documents to Plaintiffs’ other counsel, Justin Gilbert, who sent the documents to counsel for Defendant on July 2, 2024. (*Id.* at 1–2.) Plaintiffs filed a declaration from Ms. Hardyway to support these assertions. (Docket No. 72-1.)

Defendant did not file a reply to indicate whether it was satisfied with Ms. Hardyway's document production.¹ Without more information, it appears to the Court that there is no basis, at this time, to grant Defendant's motion to compel because Ms. Hardyway has produced documents in response to the subpoena and those documents have been provided to Defendant. Accordingly, the Court will deny Defendant's motion.

It is SO ORDERED.



BARBARA D. HOLMES
United States Magistrate Judge

¹ If Defendant was satisfied with Ms. Hardyway's document production, Defendant's best course of action would have been to withdraw its motion to compel.